

Philip A. Goldstein (PAG 0908)  
 McGuireWoods LLP  
 1345 Avenue of the Americas, 7<sup>th</sup> Floor  
 New York, New York 10105-0106  
 (212) 548-2100  
 Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

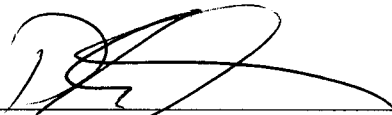
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MARLON HATTIMORE,	: <b><u>ECF Case</u></b>
	: :
Plaintiff,	: Case No. 08 Civ. 6865
	: (LTS)(HBP)
v.	: :
	: <b><u>MOTION TO ADMIT</u></b>
GENERAL NUTRITION CORPORATION, NEIL	: <b><u>COUNSEL PRO HAC VICE</u></b>
BLITZER (INDIVIDUAL AND IN OFFICIAL	: :
CAPACITY),	: :
	: :
Defendants.	: :
-----	X

**PURSUANT TO RULE 1.3(c)** of the Local Rules of the United States District  
 Courts for the Southern and Eastern Districts of New York, I, Philip A. Goldstein, a  
 member in good standing of the bar of this Court, hereby move for an Order allowing the  
 admission pro hac vice of Kimberly Q. Cacheris, Esq., McGuireWoods LLP, Bank of  
 America Corporate Center, 100 North Tryon Street, Suite 2900, Charlotte, NC 28202,  
 Telephone (704) 373-8954, Facsimile (704) 373-8825.

Kimberly Q. Cacheris is a member in good standing of the Bar of the State of North Carolina. There are no pending disciplinary proceedings against Kimberly Q. Cacheris in any State or Federal court.

Dated: August 28, 2008  
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Goldstein', written over a horizontal line.

Philip A. Goldstein, Esq. (PAG-0908)  
McGuireWoods LLP  
1345 Avenue of the Americas, 7<sup>th</sup> Floor  
New York, NY 10105-0106  
(212) 548-2100

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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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MARLON HATTIMORE,	: <b><u>ECF Case</u></b>
	:
Plaintiff,	: Case No. 08 Civ. 6865
	: (LTS)(HBP)
v.	:
	: <b><u>AFFIDAVIT OF PHILIP A.</u></b>
GENERAL NUTRITION CORPORATION, NEIL	: <b><u>GOLDSTEIN IN SUPPORT</u></b>
BLITZER (INDIVIDUAL AND IN OFFICIAL	: <b><u>OF MOTION TO ADMIT</u></b>
CAPACITY),	: <b><u>COUNSEL PRO HAC VICE</u></b>
	:
Defendants.	:
-----	X

STATE OF NEW YORK                    )  
   )       ss:  
 COUNTY OF NEW YORK                )

Philip A. Goldstein, being duly sworn, hereby deposes and says as follows:

1. I am an associate with the law firm of McGuireWoods, LLP, counsel for Defendants in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendants' motion to admit Kimberly Q. Cacheris as counsel pro hac vice to represent Defendants in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 2002. I also am admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Kimberly Q. Cacheris since 2007.

4. Kimberly Q. Cacheris is a partner at McGuireWoods, LLP in Charlotte, North Carolina and is a member in good standing of the Bar of the State of North Carolina as shown in the Certificate of Good Standing annexed hereto as Exhibit A.

5. I have found Kimberly Q. Cacheris to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

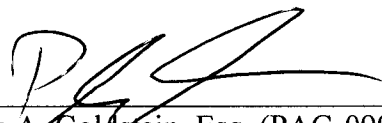
6. Accordingly, I am pleased to move the admission of Kimberly Q. Cacheris, pro hac vice.

7. I respectfully submit a proposed order granting the admission of Kimberly Q. Cacheris, pro hac vice, which is attached hereto as Exhibit B.

**WHEREFORE** it is respectfully requested that the motion to admit Kimberly Q. Cacheris, pro hac vice, to represent Defendants in the above captioned matter, be granted.

Dated: August 28, 2008  
New York, New York

Respectfully submitted,



Philip A. Goldstein, Esq. (PAG-0908)  
McGuireWoods LLP  
1345 Avenue of the Americas, 7<sup>th</sup> Floor  
New York, New York 10105-0106  
(212) 548-2100

Sworn to before me this 28<sup>th</sup>  
day of August, 2008

  
\_\_\_\_\_  
Notary

EILEEN CHIN  
Notary Public, State of New York  
No. 01CH6075750  
Qualified in New York County  
Commission Expires June 10, 20 10

UNITED STATES DISTRICT COURT

Western

DISTRICT OF

North Carolina

**CERTIFICATE OF  
GOOD STANDING**

I, Frank G. Johns, *Clerk of this Court,*

*certify that* Kimberly Quade Cacheris, *Bar #* 20087,

*was duly admitted to practice in this Court on*

9/23/1993, *and is in good standing*  
*DATE*

*as a member of the Bar of this Court.*

*Dated at* Charlotte, NC *on* 8/26/2008.  
*LOCATION DATE*

Frank G. Johns  
*CLERK*

Kimberly Quade Cacheris  
*DEPUTY CLERK*

Philip A. Goldstein (PAG 0908)  
 McGuireWoods LLP  
 1345 Avenue of the Americas, 7<sup>th</sup> Floor  
 New York, New York 10105-0106  
 (212) 548-2100  
 Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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MARLON HATTIMORE,	: <b><u>ECF Case</u></b>
	: :
Plaintiff,	: Case No. 08 Civ. 6865
	: (LTS)(HBP)
v.	: :
	: <b><u>ORDER FOR ADMISSION</u></b>
GENERAL NUTRITION CORPORATION, NEIL	: <b><u>PRO HAC VICE ON</u></b>
BLITZER (INDIVIDUAL AND IN OFFICIAL	: <b><u>WRITTEN MOTION</u></b>
CAPACITY),	: :
	: :
Defendants.	: :
-----	X

Upon the motion of Philip A Goldstein, attorney for Defendants and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that Kimberly Q. Cacheris, Esq., McGuireWoods LLP, Bank of America Corporate Center, 100 North Tryon Street, Suite 2900, Charlotte, NC 28202, Telephone (704) 373-8954, Facsimile (704) 373-8825 is admitted to practice pro hac vice as counsel for Defendants in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF)

system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: New York, New York  
\_\_\_\_\_, 2008

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United States District Judge

**CERTIFICATE OF SERVICE**

This is to certify that I have caused a true and correct copy of the following:

1. Defendants' Motion to Admit Counsel Pro Hac Vice; and
2. Affidavit of Philip A. Goldstein in Support of Motion to Admit Counsel Pro Hac Vice;

to be served upon plaintiff, Marlon Hattimore, by depositing same via Federal Express overnight delivery to:

Delmas A. Costin, Jr.  
208 East 163<sup>rd</sup> Street  
Bronx, NY 10451  
Attorneys for Plaintiff

-and-

Daryl Davis, Esq.  
Doman Davis LLP  
245 Park Avenue, 39<sup>th</sup> Floor  
New York, NY 10167

Dated: August 28, 2008  
New York, New York

  
\_\_\_\_\_  
Eileen Chin